

score of men, women and children that told them that the work of the lightning above was as nothing to what it had done almost beneath their feet.

Running down the beach those who had collected their wife saw a score of persons lying stretched on the sand. Others, dazed, were trying to stagger out.

#### FIVE DEAD LAY TOGETHER

Near the pole, the farthest not over six feet from the base, lay the five who had been killed. All but one were in their bathing suits. Those who first saw the bodies say they were a dark blue from the bodies to their feet. Some of them had fallen over on others whom the lightning had only rendered unconscious for a moment.

Philip Brazier, just out of Princeton, has charge of the bathing establishment. There is a rule there that when anything happens that requires attention a whistle is the signal.

Brazier whistled and four or five of his college mates came running to his assistance. They were just in time. The people inside the building had become panicky and started for the doors. Getting outside, half a dozen of the college men turned and faced the crowd and held the people back.

"It's all over," shouted Assistant Manager Burke. "Just stay inside, keep dry and keep cool."

It was like holding the line in a football game for a moment. Then the doors were closed. Brazier jumped on the telephone and sent word to the police to send over the police and all the doctors that could be found.

#### CARRIED IN THE DEAD

Before the police came the college men had got the crowd out from under the boardwalk and were carrying in the dead and injured. The dead were carried in the little emergency hospital, which is a part of the bathing establishment. Dr. Reinhold, who was on duty there, gave one look at the bodies and said all had died instantly. The only burns on any of them seemed to be around the necks.

The mother of the two Demmerle boys was waiting for them in the office when the shower came up. They left her there while they went in swimming with Warsaw, their cousin. When Mrs. Demmerle saw the bodies of the two boys, she became almost unconscious in her grief.

Jacob Frankel's body was identified by his brothers after they had recovered from the shock.

Frankel had been in swimming with his two brothers, but all three had come out and were under the walk together. Jacob, the one who was killed, fell over on his brother Joseph.

The last to be identified was George Dunwoodie. He had gone swimming with William Moore, brother of the seventh avenue Moore who was standing beside him.

"All I know," said Moore, when he identified his friend, "was that there was a flash that made me blind. I think, and then I felt as though the whole house was falling on top of me. When I came to I was lying on top of George."

#### BOON RECOVERED FROM SHOCK

Although Moore was close beside his friend, he was all right inside of half an hour. Dunwoodie came from Buffalo only a few days ago and was an agent for the Heinz pickle people. His father is said to be a glove manufacturer in Buffalo.

By the time Mrs. Pierce and Pettit arrived in response to the telephone call there were nearly a score of persons suffering from effects of shock in some form or another. Some had been carried into the Emergency Hospital and others were being treated on the second floor. Two doctors also came from the Reception Hospital.

Two of the women, Mrs. Schoen and a Miss Thiel, after recovering consciousness, could not remember anything. It was some time before they could think of their names.

Eight of the injured were removed to the hospital, carriages being used to help out the ambulances. Quite a few women whose names the police did not get were attended by Dr. Reinhold of the bathing pavilion and sent home. They had slight burns and were suffering from the shock.

#### BURNED FROM HEAD TO HEEL

Most of the injured at the hospital recovered quickly. The most seriously hurt was Isaac Reese, who was burned all the way down his spine and on both legs and feet. He is expected to recover, however. Strangely enough, there were no children injured, although in the crowd of more than 200 persons under the boardwalk there were many children of all ages.

Practically every one who was under the walk got a slight shock. Some said the sand seemed charged.

The bodies of the five victims were taken to Havron's morgue on West Eighth street, Coney Island, where they were followed by their friends. Hundreds of people gathered the downpour that followed, left their bathing place and walked to Coney Island after the news spread.

For an hour there was a constant discharge of electricity all along the ocean front.

The flag when pulled down looked as though it had been on the ramparts at Fort Arthur. The top half of it had been burned off and the rest was in tatters. It wasn't taken down until an hour after the accident. Then a lot of people made a rush for pieces of it as souvenirs. The bath attendants got it inside in a hurry.

#### THE GRAVESEND ACCIDENTS

The flood of electricity which the clouds let loose over Coney Island was equalled by that over toward the Gravesend section, where the lightning claimed the sixth victim. On the beach near where this fatality occurred is what is known as Camp City, where a lot of people are camping out. There are nearly a hundred tents on the beach. When the storm came up nearly all the camp dwellers were out fishing. They had left their tents open and the wind played havoc with a lot of them. The thunder and lightning terrified a lot of the people in the camp and they fled from the beach, some taking refuge under trees.

One of these parties of refugees was composed of Henry Ralswelder of 197 Bush street, Brooklyn, his son William, John Appel of 188 Kent street, and a man named McAulley, whose first name the police did not get. They got under a big cedar tree standing in a field near Forty-ninth street and Harvey avenue. They had been there only a minute or so when a bolt struck the tree. All were knocked down and when the others recovered they found that the older Ralswelder was dead. The bolt split the tree over their heads.

The call for an ambulance for this accident came in simultaneously with that from the Parkway Bath. As near as could be figured out, the bolts struck at practically the same moment. The survivors were treated by the doctors and sent home later.

#### WHERE THE CAR WAS HIT

The trolley car that the lightning hit at the same time was of the Tompkins avenue line, bound from Coney Island to Brooklyn. It was running along Gravesend avenue near Eighty-sixth street, and was just about midway between the other two accidents. The car was an open one

and was only half full. Just as it got in front of Engine House 144 the lightning seemed to strike the trolley wire some distance behind the car. According to some of the women who were watching, the lightning seemed to run a race with the car until it finally caught up to it and ran down the trolley pole. The whole car seemed filled with electricity.

A Mr. and Mrs. Seddar were sitting at the end of a seat. When the lightning struck both screamed, and the next the passengers knew they were gone. A Miss Spatz of 107 Hopkins street, who sat directly behind them, had also disappeared. The car was stopped and the three were found lying in a heap at Forty-ninth street, on the engine house and later resumed their journey. The roof of the car was wrecked, as well as the trolley pole.

Following is the list of dead and the more seriously injured in the three accidents:

**DEMMELE, CHARLES**, 20 years old, of 873 East sixteenth street, Flatbush; killed at Forty-ninth street.

**DEMMELE, FRANK**, 25 years old, 872 East Sixteenth street, Flatbush; killed at Forty-ninth street.

**DUNWOODIE, GEORGE**, 21 years old, 44 Eighth street, Brooklyn; killed at Forty-ninth street.

**FRANKEL, JACOB**, 25 years old, 128 East Seventy-first street, Manhattan; killed at Parkway Bath.

**FRANKEL, JOSEPH**, 25 years old, 128 East Seventy-first street, Manhattan; killed at Parkway Bath.

**GRAND, MARY A.**, 20 years old, 258 Queens avenue, Brooklyn; struck at Parkway Bath.

**GRAND, JOSEPH J.**, 21 years old, 258 Queens avenue, Brooklyn; struck at Parkway Bath.

**KROHN, CARL**, 19 years old, 870 South Fifth street, Brooklyn; struck at Parkway Bath.

**MCNEIL, J.**, 31 years old, 906 Twelfth street, Brooklyn; struck at Parkway Bath.

**MCNEIL, J.**, 31 years old, 906 Twelfth street, Brooklyn; struck at Parkway Bath.

**PERL, CLARA**, 19 years old, 120 West 110th street, Manhattan; struck at Parkway Bath.

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**REINOLD, J.**, 30 years old, 107 Bush street, Brooklyn; struck at Parkway Bath.

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#### WITTE NOT CERTAIN OF PEACE.

#### RUSSIAN ENVOY HINTS JAPAN MAY DEMAND TOO MUCH.

Interviewed on Steamer at Sea and Statements Are Sent by Wireless—Says War Is Sincere in Desire to End the Conflict—Fair Terms—Pull Power to Negotiate.

Special Cable Dispatch to THE SUN.  
LONDON, July 31.—The Telegram prints an interview with M. Witte, the Russian peace envoy, who is a passenger on the steamer Kaiser Wilhelm der Grosse. The interview was transmitted by wireless telegraph from a correspondent on board the steamer.

The correspondent opened the conversation by referring to the two opinions entertained in regard to the outcome of the negotiations. He asked if M. Witte was very deliberately.

"Both sides are greatly mistaken in speaking of the negotiations about to take place in New Hampshire. If I knew what I was going to negotiate with Japan's plenipotentiary there I should feel much more hopeful as to the results than I do, but such is not the case."

"It is usual when plenipotentiaries meet that they come to give and take within certain sharply defined limits and they generally agree in the end. Contrary to usage, however, Japan's representative and myself are setting out without any such preliminary understanding. We have no common basis whatever. Therefore, our powers—at any rate—mine are very complete."

"But in spite of this fulness of powers, I feel my role at the outset to be that of an imperial courier sent to learn the terms on which the Mikado's government is ready to make peace. The fact of my being despatched on such an errand is conclusive proof of the sincerity of my imperial master."

"Beyond question it would have been much better if Japan and Russia had agreed upon a common basis before appointing plenipotentiaries, but as this could not be we must make the best of things as they are. The Emperor, whose instructions I shall faithfully carry out, is animated by intentions which will be to the benefit of the world and will also merit and receive the approval of the entire Russian nation."

"To stop the war just when the tide of reverse appears to be turning back is a proceeding which requires more moral courage than people commonly imagine. My imperial master has given proof of this. He desires real and abiding peace conditions, which while just to the real facts cannot take into consideration mere fancies."

"The war broke out because certain demands preferred by Japan were rejected by Russia. In the ensuing campaign fortune was favorable to our enemy, who therefore insists upon the fulfillment of these demands. She further expects that her military and naval successes shall be treated as titles to other concessions not included in her original claim."

"I consider that a legitimate subject of discussion is the question of the right to make peace. I am ready to deal with the matter in a businesslike spirit, give and take, but what I cannot and will not enter into are demands based on expected military successes in the future. It is, of course, always open to victorious belligerents in all wars to make roscaceous forecasts of what would have happened if the war had gone on long enough. That is an indefensible right which no one can question."

"But it would be simply preposterous to expect that the possible results of luck should not only be regarded, but also treated as real achievements and placed to the credit of the victor in arranging terms of peace. Considerations of that kind must be wholly eliminated, otherwise we might on the same principle be asked to discount an invasion of Western Siberia or even European Russia on the ground that if only the campaign had lasted long enough fortune would have swung consciously to our advantage and that our anticipations might ultimately have come to pass. We must keep ourselves well within the limit of accomplished facts if we hope to agree upon a common basis for negotiations."

"My imperial master and I will do anything compatible with Russia's honor and dignity to establish the work of which I have been an unwavering advocate. If my endeavors fail it certainly will not be for lack of sincerity or want of reasonableness."

"My first task, however, will not be to carry on negotiations, but to go in search of a basis for fruitful discussion. That is why I look upon myself at the present moment less as a peace negotiator, while I fervently hope, having found common ground, that role may fall to my lot."

#### NATUREURNS ON RUSSIA.

Crops Fail in Forty-one Provinces and Famine Is Near.

Special Cable Dispatch to THE SUN.  
ST. PETERSBURG, July 30.—The Central Statistical Committee reports that the harvest in forty-one of the sixty provinces of European Russia is a complete failure. In Tula, Belgorod, Saratov, Voronezh and Kursk the land is interspersed locally with barely sufficient crops. Similar conditions prevail in twelve other provinces, including the great grain producing districts of Samara, Tambov, Penza, and the Don Cossack district. In twelve other provinces good and bad crops alternate.

Good crops are expected in only six Polish provinces and in Grodno, Kiev, Volynia and Bessarabia. Satisfactory crops are expected in two northern provinces, reports have not yet been received, but where good harvests are rare. Considering the optimism which usually characterizes such reports the public anticipates a very serious famine.

#### ZIONISTS FOR PALESTINE.

Congress Asks Great Britain's Aid in Furthering Their Aims.

Special Cable Dispatch to THE SUN.  
BASEL, Switzerland, July 30.—The Zionist Congress met until 3 o'clock this morning. After a continued uproar it was decided to decline with a vote of thanks, the offer of the British Government of a tract of land in Uganda for colonization purposes. It was also resolved to ask Great Britain to further the aims of the Zionists in Palestine.

Lightning Burns Three Barns.

RED BANK, N. J., July 30.—During a series of thunderstorms this afternoon lightning destroyed the barns of William Reed at Shrewsbury, Mr. Edward C. Hazard at Little Silver railroad depot, and Edward Adams at Eatontown. Several houses were struck, but nobody was injured. There was a heavy downpour of hail.

Chemist Breaks His Leg.

Alfred W. Ogden, a chemist, living at East Orange, was hurrying to the Barclay street ferry with his wife and child in the latest night when he slipped in a hole in the asphalt in front of the ferryhouse and broke his right leg.

It is not necessary to buy. You will find our suggestions for any department of your business full of eye-opening ideas. And they cost nothing.

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#### WILL IGNORE COREA'S DEMAND

#### NO THIRD PARTY IN RUSSO-JAPANESE CONFERENCE.

State Says the Hermit Kingdom Must Wait the Decision of Graver Matters—New Member of Japanese Delegation—Naval Officers on Way to England.

With his friend Baron Kaneko, Baron Komura, the Japanese peace plenipotentiary to the Portsmouth peace conference, went to Peekskill yesterday morning, returning to the Waldorf-Astoria a little after 8 o'clock in the evening.

"Baron Komura is an American friend and classmate in Harvard living in Peekskill," said Mr. Sato, "and he and Baron Kaneko, who were in Harvard together, went up there to spend Sunday with him. That is all there is to the Baron's absence today. Baron Komura has many American friends, but as a rule they have refrained from calling upon him since his arrival here, knowing how busy he is."

"You have many friends in this country yourself, have you not, Mr. Sato?" asked Mr. Sato. "How long have you been in America altogether?"

"I have a number of friends here," he replied. "I was four years in De Pauw University in Greencastle, Ind., and naturally have many acquaintances made in college. Then I was three years in our legation at Washington in President Cleveland's last administration. Last year, when I was here in Prince Fushimi's suite, I made many more friends. I see it is said somewhere that I taught Sunday school when I was in Greencastle during my college days. That is not quite the fact. I attended Sunday school when I was out there. That is all. De Pauw is a Methodist institution and I thought it was right to go with the rest."

"How about the alleged wish of Corea to be represented at the coming conference?" Mr. Sato was asked.

"The conference is between the two countries immediately concerned—Russia and Japan," he replied. "There will be no consideration, as I understand it, of claims either from China or Corea. I cannot imagine, anyway, that the Coreans have a bill of damages against Japan. However, if China or Corea has claims either against Russia or Japan the natural time for their presentation, I should think, would be after the conference is over and to the particular country which the claimant may think is most concerned."

"Now that Baron Rosen is here will there be any communications with him or with Mr. Witte when he arrives on the part of the Japanese envoys?" Baron Komura and Mr. Witte were friends in Russia, it is understood.

"This is not an occasion of a meeting of friends," replied Mr. Sato. "It is a meeting purely for the transaction of business of rather a serious nature. There will be no interchange of polite remarks or friendly greetings. Each commission is presented to each other by the President of the United States."

"In connection with Baron Komura's suite was made on Saturday evening by the arrival on the American liner steamer St. Paul of Mr. Ochiai, First Secretary of the Japanese legation to France."

"Baron Komura, when he was in our Minister here," said Mr. Sato. "He speaks Russian as well as French and English, and is a native of the Empire. He undoubtedly is in the coming negotiations."

Commander Kamimura, three staff officers and three warrant officers of the Japanese Navy arrived here at 7:30 yesterday morning over the New York Central from Chicago and the Pacific Coast, where they landed from Japan a few days ago. They are on their way to receive the recently launched Japanese warship which has been building at a Scottish shipyard for some time back. It will not be completed, it is said, before the next week.

Commander Kamimura is in no way related to Vice-Admiral Kamimura, who is now in command of Japanese war vessels in the Pacific. He and the rest of the officers sail for Europe on the Teutonic to-morrow.

The entire party went from the Grand Central station yesterday morning to the Broadway Central Hotel, but later in the day Commander Kamimura and the three staff officers went to the Nippon Club, 44 West 42nd street, where they were met by the Japanese naval officers at the Nippon Club when it is expected that Commander Kamimura will tell something about the great battle.

To-morrow evening there is to be a Japanese family affair reception to Baron Komura and some of his suite at the club, where the Japanese naval officers will be generally irrespective of membership of the Nippon Club, will have an opportunity to meet their distinguished fellow countrymen.

#### BARON ROSEN IN TOWN.

Russian Peace Envoy Here to Await Witte's Arrival.

Baron Roman Romanovich de Rosen, colleague of Sergius Witte as Russian peace envoy, is at the Hotel St. Regis awaiting the arrival of M. Witte, who will come on the Kaiser Wilhelm II. This evening.

The Baron came here on Saturday night from Magnolia, Mass., unaccompanied. His wife and daughter will join him in a day or two and the entire Russian party will make their headquarters at the St. Regis. Baron Komura and the Japanese party are at the Waldorf. Baron Rosen and Baron Komura are well acquainted having had official and personal relations when Rosen was stationed in Tokio.

Baron Rosen's main engagements yesterday were the reception of M. Witte and the other members of the party. The envoy had nothing to say for publication yesterday.

#### NAT GOODWIN ARRESTED.

Pugilist Britts Plays a Joke on His Actor Friend.

RENO, Nev., July 30.—Nat Goodwin, the actor, and Tiv Kreling, his friend, were arrested as horse thieves yesterday. For sixty minutes they were in the hands of Sheriff at Carson, and were held in jail, all the time joking their innocence.

It was a little joke of James Edwards Britts, the champion lightweight pugilist, who is here. James sent his friends to the sheriff at Carson, and they were held in a few hours. While they were on their way they were telegraphed to Carson and then Goodwin and Kreling drove up to the Arlington Hotel where they were met by an officer, who arrested them.

An hour later came a message, "Let them go," and since then Tiv Kreling and Goodwin have been busy explaining how greatly they enjoyed the joke.

#### SUES EQUITABLE DIRECTORS.

Continued from First Page.

tion is pointed toward the general management of the company. As an incident to this management specific acts will necessarily be required and disclosed, but the point is that the court will look into the management and disposition of the funds of the society in order to see whether any funds have been wasted or lost which ought to be returned to the treasury of the society.

"The question involved in the syndicate transactions is not so much the management and disposition of the funds of the society, as whether certain persons have by virtue of their relation to the society profited. It may be necessary to bring separate actions against the particular individuals who profited in these particular transactions; but it may possibly be in this action now brought. It will be noted also that the provision for removing a defendant from his office as officer or director is broader under Section 1781 of the Code than under Section 38 of the insurance law. Under the latter section the thing prohibited is a specific thing, to wit, 'No director or officer of an insurance corporation doing business in this State shall receive any money or valuable thing for negotiating, procuring or recommending any loan from any such corporation or for selling or aiding in the sale of any stocks to or by such corporation. Any person violating the provisions of this section shall forfeit his position as such director or officer and be disqualified from thereafter holding any such office in any insurance corporation.'

"The contention of the corporation and insurance lawyers is that Section 38 is limited to prohibiting the receipt of money or value by way of commission for negotiating a loan or for selling or aiding in the sale of any stocks or securities. It is claimed by these lawyers that there is no prohibition against the sale by a director or officer to the company of property or the obtaining of a loan from the company as distinguished from getting a commission for doing either of the above things. Section 38 has never been construed by the courts and thus its meaning is from a lawyer's standpoint much in doubt.

"Under Section 1781, subdivision 4, however, a defendant can be removed from his office upon proof of whatever the court may regard as misconduct. Thus, if the court finds that the management has been extravagant in salaries, in the system of specific advances in the placing of large sums on deposit in subsidiary companies at small rates of interest, the court might likewise find that such acts were misconduct of the kind to justify a removal under Section 1781, subdivision 4. These legal questions and distinctions must be borne in mind because the field from a technical and legal standpoint is practically unexplored, and while there are adjudicated cases involving broad principles, there is a dearth of judicial construction upon the specific points above referred to. In order, however, to include both those directors who are said to have done active wrong and those who neglected their duty, the action is brought against all. It is for the court to determine, and an administrative officer such as the Attorney-General is in the position to sit as a judge and be able to say definitely that one or the other should be relieved from a proceeding in court the purpose of which is the 'judicial supervision' of the corporation and its officers and directors."

"The second purpose of the action is to endeavor to get an adjudication on the very important question of the rights of the policyholders. This has been tried before (Swan vs. Mutual Reserve F. L. Assn., 155 N. Y., 9. Grief vs. Equitable Insurance Society, 160 N. Y., 19. Hackett vs. Equitable Life Assurance Society, 50 App. Div., 266), but without success; but has never been tried in a suit instituted by the Attorney-General. Section 38 of the insurance law restricts such suits so that they can only be brought upon the application of the Attorney-General on his own motion or after his approval of a request in writing therefor of the Superintendent of Insurance, or an accounting can be sought in an action by a judgment creditor or in supplementary proceedings. Of course, no action can ever be brought as a matter of practical fact by a judgment creditor, because the company has always paid judgments rather than permit any such action to be brought. Thus, a fair test has really never been had in the cases of the insurance companies mentioned, because the Attorney-General has never brought the action either on his own motion or upon request of the Superintendent of Insurance. It is to be remembered that this branch of the action involves very intricate and difficult questions, but this branch of the action is a branch in which it is believed that the large number of policyholders take the deepest interest."

"Reference to the charter of the company will show that it was provided in article 2 thereof that 'earnings and receipts of said company over and above the dividends, losses and expenses shall be accumulated; also in article 6, each policyholder shall be credited with an equitable share of said surplus.' etc. All of article 6 is well worth reading in this connection and is referred to sufficiently in the complaint. The testimony of McGuinness before the Superintendent of Insurance shows that in the reports to the Tax Commission in New York the officials of the insurance company for a number of years have treated the surplus as belonging to the policyholders so as to avoid taxation thereon."

"The importance of getting a determination at this point will be manifest. If the policyholders have a share in the surplus the proportion should be arrived at by actuarial figures or by some other just method."

"If the stockholders are entitled to the surplus, and not the policyholders, then it is just that the public should know it, so that the man insuring would know precisely what to expect and what his rights were. The determination of this question will most likely affect the kind and character of policies hereafter to be issued by this society, and probably by other societies. Of course there are many different kinds of policies, having all sorts of options and participations, and it is quite likely that if sharp attention is called to this subject through the institution of this suit, the legislative committee may take the matter under earnest consideration with a view to ascertaining whether it is a proper subject for legislative definition or safeguard."

"An interesting feature of the so called 'Frick report,' signed by Messrs. Frick, Harriman, Ives, Bliss and Ingalls, is that it is practically an arraignment of the management and may fairly be construed as to some extent at least arraigning those who did not attend to the business of the society. Under the heading in that report, 'Functions Exercised by the Board of Directors as Disclosed by Their Minutes' it will be noted that the committee says that the proceedings of the meetings were purely formal, and after setting forth the

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